

Application Ser. No. 10/672,053
Response to Office Action dated August 28, 2006
Amendment dated November 28, 2006

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings replace the originally filed sheets of drawings.

Attachments: Ten Replacement Sheets

REMARKS

Entry of this Amendment and reconsideration of the present application as amended are respectfully requested.

Claims 1, 5-8, 10-17, 40-42, 44, 66-68, 78 and new claims 80-95 are pending in this application. Claims 2-4 and 9 are withdrawn from consideration and claims 18-39, 43, 45-65, 69-77 and 79 have been canceled. Claim 78 is amended herein and unless an argument is made below directed to the novelty of each change to the claim in view of cited prior art, then that change to the claim does not relate to patentability.

Election/Restriction

In response to the earlier election of species requirement, non-elected claims 45-59, 69-77 and 79 have been canceled without prejudice to filing a divisional application directed to the subject matter of these claims. Non-elected claims 2-4 and 9 are maintained and it is respectfully submitted that these dependent claims be rejoined with the elected claims if independent claim 78 is deemed allowable and generic to the species set forth in these non-elected claims.

Drawings

In response to the objection to the drawings, submitted herewith are replacement sheets of drawings which are substantially identical to the originally filed drawings but formal and less difficult to read.

Specification

The title of the invention has been changed to "Intestinal Insertion Tube with Sewing Ring" which is indicative of the invention to which the claims are directed.

Claim Rejections

Claims 1, 5-7, 10, 12-17, 40-42, 66-68 and 78 were rejected under 35 U.S.C. 102(b) as being anticipated by Gellman et al. (US 2001/0010008), claims 8 and 11 were rejected under 35 U.S.C. 103 as being unpatentable over Gellman et al. in view of Sheridan (US 3,777,761) and claim 44 was rejected as being unpatentable over Gellman et al.

The Examiner's rejections are respectfully traversed on the grounds that the cited prior art does not disclose, teach or suggest the features of the present claimed invention.

Specifically, claim 78 includes the feature of a sewing ring having a portion which projects rearward and outward away from a tubular body, and an undercut rear surface defining a circumferentially extending notch which is thus defined partly by the rearwardly and outwardly extending portion such that a rearward edge of the sewing ring extends rearward of a forward end of the notch.

The cited prior art does not disclose a sewing ring having the claimed features.

As interpreted by the Examiner, Gellman et al. includes a suture strand/sewing ring 54, 254 arranged circumferentially around a tubular body 12 and a circumferentially extending notch 122. However, in contrast to the present claimed invention, the suture strand/sewing ring 54, 254 does not have an undercut rear surface defining a notch which is defined partly by a rearwardly and outwardly extending portion. Rather, the notch 122 in Gellman et al. is a bevel portion of an eyelet 118 formed in a shaft portion 116 of a spear member 112 (see paragraph 0075). Notch 122 is thus formed on an entirely different part than the suture strand/sewing ring 54, 254 and thus Gellman et al. cannot disclose, teach or suggest a notch defined by an undercut rear surface of a sewing ring and to be defined partly by a rearwardly and outwardly extending portion of this sewing ring.

Sheridan also does not disclose, teach or suggest a sewing ring having the features set forth in claim 78.

In view of the foregoing, it is respectfully submitted that the Examiner's rejection of independent claim 78 as being anticipated by Gellman et al., and the rejections of claims 1, 5-8, 10-

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17, 40-42, 44 and 66-68 which depend therefrom, have been overcome and should be removed.

New Claims

Claims 80-95 are presented and it is respectfully submitted that all of these claims read on the elected embodiment.

In view of the cancellation of claims 45-59, 69-77 and 79, no fee is due for the presentation of claims 80-95.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

It is believed that this Amendment is being timely filed. In the event that any other extensions and/or fees are required for the entry of this Amendment, the U.S. Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 50-1268 in the name of Brian Roffe.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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